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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,357	10/12/2001	Ilario A. Coslovi	5699-40	6879

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EXAMINER

GORDON, STEPHEN T

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application

09/981,357

Applicant(s)

Carlson et al

Examiner

Gordon

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Confirmation No.

- The MAILING DATE of this communication appears on the cover sheet beneath the corresponding address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

BEST AVAILABLE COPY

☒ Responsive to communication(s) filed on 2-10-03

☐ This action is FINAL. ☒ This action is non-final.

☐ Since this application is in condition for allowance except for the formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-39 is/are pending in this application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1+17-18 is/are allowed.

☒ Claim(s) 8-12+19-39 is/are rejected.

☒ Claim(s) 2-7 is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved or ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.

☐ The drawing(s) filed on _____ is/are ☐ accepted or ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received:

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

☐ The translation of the foreign language provisional application has been received.

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____

☐ Notice of References Cited, PTO-892

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Interview Summary, PTO-413

☐ Notice of Informal Patent Application, PTO-152

☐ Other _____

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DETAILED ACTION

1. In view of applicant's amendments and remarks in the response filed 2/10/03, the restriction requirement is withdrawn. Additionally, in as much as generic claim 1 has been found to be allowable (see below), non-elected claims 3 and 14 have been rejoined with the application to expedite prosecution. A complete action on the merits for all pending claims is contained herein.

2. Claims 2-12 are objected to because of the following informalities:

Re claim 2, line 4 is slightly awkward, and --a-- could be inserted before "ball" to clarify the claim in this regard. Appropriate correction is required.

3. Claims 8-12, 19-25, 27-34 and 35-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 8, "said first and second ends" at each occurrence (2 places total) lacks clear antecedent basis as multiple first and second ends per se are previously recited - note claim 7. As best understood, each occurrence of the term could be replaced with --said beam member first and second ends-- to clarify the claim.

Re claim 19, "said load bearing member" used throughout the claim lacks antecedent basis. Should the term be --said roller-- at each occurrence? Note similar confusing terms appear in each of claims 20 and 21.

With additional regard to claim 20, "said first end" in line 3 lacks clear antecedent basis and could be written as --said shaft first end-- as best understood.

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With additional regard to claim 21, "said first and second ends" in line 4 and bridging lines 5 and 6 (i.e. 2 places total) lacks clear antecedent basis and could be written as --said beam member first and second ends-- at each occurrence as best understood.

Re claim 24, "said hand grab" lacks antecedent basis.

Re claim 27, line 2 is slightly confusing, and --said-- could be inserted before the second occurrence of "rollers" to clarify the line as best understood.

Re claim 35, "said trough structures" lacks clear antecedent basis, and the term should apparently be singular. Additionally, "said track following member" on line 13 is confusing and should be --a track following member-- as best understood. The term "a track following member" on line 16 is confusing and apparently constitutes a double inclusion of the following member recited at line 13. As best understood, the term on line 16 could be replaced with --said track following member-- to overcome this defect. Note similar potentially confusing terms appear multiple places toward the end of the claim and in claim 36. All of these terms would be clear if the examiners suggestions are adopted. Finally, line 22 is slightly awkward/confusing, and --of-- could be inserted after "member" to clarify the line as best understood.

Re claim 36, "said first portion" lacks antecedent basis. Note a similar confusing term appears in claim 37.

Re claim 38, "said first position" in line 24 lacks clear antecedent basis and could be written as --said second pair of rollers first position-- as best understood. Additionally, "said second position" in line 26 lacks clear antecedent basis and could be written as --said second pair

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of rollers second position-- as best understood. In line 37, "said first and second positions" lacks clear antecedent basis and could be written as --said first pair of rollers first and second positions-- as best understood. Finally, in lines 40-41, "said first and second positions" lacks clear antecedent basis and could be written as --said second pair of rollers first and second positions-- as best understood.

Re claim 39, "said first and second ends" lacks clear antecedent basis as multiple first and second ends per se are previously recited - note claim 38. As best understood, the term could be replaced with --said beam member first and second ends-- to clarify the claim.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by James '638.

James teaches a railroad car coil stop which extends across a coil trough including a movable transport fitting 82,88+ operable as broadly claimed.

6. Claims 1, 13-18, allowed.

7. Claims 2-7 are objected to for the minor formalities noted above but are otherwise allowable.

8. Claims 8-12, 19-25, and 35-39 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

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9. Claims 27-34 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note at least Mimica additionally teaches a repositionable coil stop.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (703) 308-2556.

 31-1-03
STEPHEN T. GORDON
PRIMARY EXAMINER

stg

March 12, 2003